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असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 28th July, 2000

BILL NO. 115 OF 2000

A Bill to make voting compulsory in elections to legislative bodies in the country.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Voting Act, 2000.

Short title and
commence-
ment.

(2) It shall come into force at once.

2. It shall be the duty of every eligible citizen to cast his vote at every election to the House of the People and Legislative Assembly of a State.

Duty of the
citizens.

3. (1) There shall be set up adequate polling booths at convenient locations, in every constituency of the House of the People or Legislative Assembly of a State, as the case may be.

Setting up of
adequate
polling
booths.

(2) The polling booths shall be set up in such a way:—

(i) that number of voters in each booth shall be equal to the extent possible;

(ii) that the distance between one polling booth and another shall not exceed two kilometres.

Special
arrangement
for mobile
polling booths,
etc.

4. The Election Commission shall ensure that there are:—

(i) adequate number of mobile booths in each constituency for persons who are unable to reach polling booths or are admitted in hospitals and nursing homes;

(ii) separate arrangements of polling booths for senior citizens, physically handicapped persons and pregnant women;

(iii) suitable arrangements of polling booths for persons deployed in connection with polling and defence personnel to enable them to cast their votes; and

(iv) suitable arrangements of polling booths for persons on public duty and in transit to enable them to cast their votes.

Act not to
apply in
certain cases.

5. The provisions of this Act shall not apply to:—

(i) inmates of any mental asylum or a place where patients with mental disorder are kept; and

(ii) persons suffering from any ailment, which may prove injurious to their health in case they move out of their place of residence.

Disincentives
and punish-
ment for not
exercising
franchise.

6. Any eligible voter who does not cast his vote at any election to the House of the People or the Legislative Assembly of a State shall—

(i) be ineligible to get loan of any kind from any financial institutions owned by the Government;

(ii) be ineligible to hold any public office;

(iii) be ineligible for entitlement to any welfare scheme announced by the Government from time to time;

(iv) be ineligible for drawing ration from Public Distribution System; and

(v) be required to pay a fine of rupees five hundred failing which he shall undergo one month simple imprisonment.

Power to make
rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

It has been observed that in every election the turn out at the polling booths is very poor.

As a result, candidates get elected having polled only a very few percentage of the votes. Thus they do not in real terms represent the constituencies from where they get elected.

We are the largest democracy in the world. Therefore, it is the foremost duty of every eligible voter to exercise his franchise in order to strengthen democratic process. In true sense, since only forty percent of the voters exercise their franchise in the elections, they do not reflect the majority will of the people. Only when large number of voters participate in election, elected representative can possibly be made more accountable to the people of his constituency.

The Bill, therefore, seeks to achieve the objectives of greater participation in democratic process of the country by making provision for compulsory voting by every eligible citizen in the elections.

NEW DELHI;
June 28, 2000.

Y.S. VIVEKANANDA REDDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of adequate polling booths in every constituency. Clause 4 provides for arrangements of mobile polling booths, special arrangements for senior citizens, handicapped persons, pregnant women and persons deployed on polling duty etc. to cast their votes. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one crore may be involved as recurring expenditure per annum.

A non-recurring expenditure of rupees two crore may also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to frame rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 52 OF 2000

A Bill to provide for welfare measures to be undertaken by the Union and State Governments for the street children who subsist on collecting and selling waste materials from garbage dumps and other places endangering their health and lives and for their rehabilitation through education and guidance and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Street Children (Rehabilitation and Welfare) Act, 2000.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the respective Government of the State and in all other cases, the Central Government;

(b) “child” means a boy or girl who is below the age of eighteen years;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "street child" means a child who collects waste papers, plastic items, glass and metal wastes from garbage dumps, streets and public places like markets, railway platforms, bus stations or who works as a porter, vendor, shoe shiner and beggar for his subsistence.

3. The appropriate Government shall maintain a district-wise register of all street children. District-wise register of street children.

4. (1) The appropriate Government shall establish or cause to be established such number of shelters as it may deem necessary for boarding and lodging of street children free of cost. Shelter and facilities for street children.

(2) The facilities in the shelters shall be such as may be prescribed.

5. (1) The appropriate Government shall open sufficient number of schools within shelters for imparting education free of cost to street children. Schools and other facilities to street children.

(2) The street children attending schools referred to in sub-section (1) shall be provided with books, writing materials, clothes including uniform and other relevant articles free of cost by the appropriate Government.

6. (1) There shall be established Street Children Welfare Fund, moneys into which shall be given by the Central Government after due appropriation made by Parliament from time to time and also by the Government of the States in such proportion and in such manner as may be prescribed. Establishment of street children welfare fund.

(2) The Welfare Fund referred to in sub-section (1) shall be managed by the Central Government through the Governments of the States in such manner as may be prescribed.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent contained therewith in any other law for the time being in force. Overriding effect of the Act.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force. Act not to be in derogation of other laws.

9. The Central Government may, by notification in the Official Gazette, make rule for carrying out the purposes of this act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

There are millions of children particularly in the urban areas of the country working in streets, cross roads, public parks, market places, railway platforms and bus terminals, under hazardous conditions. Some of them collect wastepapers, waste plastic materials and metal scraps and sell them for survival. Many of them are compelled to do this job as they are orphans or their parents have neglected them or have forced them to get additional income. The Street children work under pathetic and unhygienic conditions. Sometimes they also indulge in anti-social activities lured by anti-social groups. It is not only a socio-economic issue but the children involved are very young and have a lot of active life ahead. The human resource development issue needs to be addressed to rehabilitate these children to bring them to the mainstream. They do not even get two square meals and proper clothes to wear.

In a welfare State like ours, children must enjoy their childhood and are given every opportunity to fully develop their potential. They should get nutritious diet, good education and good atmosphere so that they may grow as responsible citizens. Though there are some Non-Governmental Organisations doing this service, it touches only the fringe of the problem.

Hence the present Bill seeks to achieve the above objectives.

NEW DELHI;
February 15, 2000

U.V. KRISHNAM RAJU.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for maintenance of district-wise register of all street children. Clause 4 provides for the establishments of shelters and facilities for street children. Clause 5 provides for the opening of schools and supplying of books, uniforms, etc. free of cost to street children. Clause 6 provides for the establishment of Street Children Welfare Fund. As regards the expenditure involved in giving effect to the provisions of the Bill in the States, it shall be borne out of the Consolidated Funds of the respective States. However, in the case of Union territories, the expenditure shall be met out of the Consolidated Fund of India. The Central Government may also have to extend financial assistance to the State Governments for implementing the provisions of the Bill. The Bill, therefore, if enacted, will involve expenditure for the Consolidated Fund of India. It is estimated that a sum of rupees twelve crore is likely to be involved as a recurring expenditure per annum.

A sum of rupees one hundred crore is also likely to be involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill which will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL No. 111 OF 2000

A Bill to provide for establishment of a Rural Electricity Authority to ensure continuous electric supply to farmers for their agricultural activities and for providing atleast single point confection to every dwelling unit in rural areas of the country and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Rural Areas (Electricity Supply) Act, 2000.

Short title and
extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Authority" means the Rural Electricity Authority established under section 3;

(b) "prescribed" means prescribed by rules made under this Act; and

(c) words and expressions used but not defined in this Act and defined in the Electricity Act, 1910 and the Electricity (Supply) Act, 1948, shall have the meanings respectively assigned to them in those Acts.

9 of 1910.
54 of 1948.

Establishment
of a Rural
Electricity
Authority.

3. (1) The Central Government shall establish a Rural Electricity Authority having its headquarter at Mumbai in the State of Maharashtra.

(2) The Authority shall consist of five members to be appointed by the Central Government and of whom atleast two members shall be from amongst the farmers.

(3) The Central Government shall appoint one of the members as the Chairman of the Committee.

(4) All the members of the Authority including the Chairman shall hold office for a period as may be prescribed.

Functions of
the Authority.

4. The Authority shall exercise such functions and perform such duties in such manner as the Central Government may prescribe or direct and in particular to,—

(1) develop a sound, adequate and uniform national policy in order to provide,—

(i) continuous power supply to the farmers for irrigation and other agricultural purposes;

(ii) continuous power supply to the village and cottage industries and also to village artisans engaged in self-employment; and

(iii) atleast single point connection of electricity in every dwelling unit of each village in the country.

(2) establish new power generating station in any area in which it is required by any scheme of the Authority.

(3) invite and promote private sector in establishing power units exclusively for the use of rural sector in the country.

(4) coordinate the activities of the national and state planning agencies in relation to control and utilisation of power resources for rural sector.

(5) carry out investigation and to collect and record the data concerning the generation, distribution and utilisation of power in the rural sector and the development of power resources in the rural areas.

Staff.

5. The Authority may appoint a Secretary and such other officers and staff as it may consider necessary on such terms and conditions as may be prescribed.

Central
Government to
provide
moneys.

6. The Central Government shall provide, from time to time after due appropriation made by Parliament by law, adequate moneys for the rural electricity works to be undertaken by the Authority and for the administrative expenses of the Authority.

Development
Fund.

7. The Authority shall have a fund to be called by the name of Rural Electricity Development Fund into which shall be credited all moneys received from the Central and State Governments and from all other sources such as rural consumers, private sector generating electricity for rural sector and all payments by the Authority towards electricity expenditure shall be made therefrom.

Electricity at
subsidised
rates to
farmers.

8. The Authority may supply electricity to the farmers at subsidised rates as may be prescribed from time to time.

Single point
connection free
of cost for the
weaker
sections of the
society.

9. It shall be the duty of the Authority to provide single point connection and supply of electricity thereto free of cost to the Scheduled Caste, Scheduled Tribe and other backward class families residing in rural areas of the country.

9 of 1910.
54 of 1948.

10. Save as otherwise provided in this Act, the Provisions of this Act shall be in addition to and not in derogation of the Electricity Act, 1910 and Electricity (Supply) Act, 1948.

Act not to be in
derogation of
other laws.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make
rules.

STATEMENT OF OBJECTS AND REASONS

There is an acute shortage of power in our country which is the primary cause of our backwardness because due to power shortage the industrial sector, the agricultural sector and the household cannot make progress at the desired levels resulting in ultimate backwardness. Our Power stations whether these are thermal, hydel or atomic are producing electricity much below their generating capacity whereas the demand for electricity is increasing day-by-day in all the sectors. It has been observed that while distributing the generated electricity, the Electricity Boards and Undertakings give priority to the urban areas and the industrial sector thereby neglecting the rural areas particularly the agricultural sector. Very often it has been seen that the electricity meant for rural areas is diverted to the urban areas. Hue and cry is raised by the people, by the print and the electronic media if there is a load shedding for few hours in the cities but nobody bothers when the electricity is cut off to the rural areas for months together even if the crops of the hapless farmer are withering in the absence of water as he cannot run the tubewell without electricity.

Since more than 80 percent of our population is engaged in agriculture and agriculture-related activities, small and cottage industries, it is our national duty to give uninterrupted electricity supply to the agricultural sector, it is also necessary to provide at least *Ek Batti* connection to every dwelling unit in the country to remove their darkness. To achieve these objects it is proposed to establish a Rural Electricity Authority to provide electricity exclusively to the rural areas and uninterrupted electricity supply to the agricultural sector and to give at least one bulb connection to every household in the villages. The Authority will also give special attention towards drought prone areas in the country.

Hence this Bill.

NEW DELHI;
February 28, 2000.

RAMDAS ATHAWALE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provide for the establishment of a Rural Electricity Authority. Clause 4 provides for establishment of new power generating stations. Clause 5 provides for the appointment of a Secretary, officers and other staff. Clause 6 provides for the moneys to be provided by Central Government to the Rural Electricity Development Fund. The Bill, if enacted and brought into operation will involve recurring expenditure of rupees five hundred crore from the Consolidated Fund of India every year.

A non-recurring expenditure of about one hundred crore rupees is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill.

The rules will relate to the matters of detail only.

The delegation of legislative power, therefore, is of a normal character.

BILL No. 101 OF 2000

A Bill to provide for the welfare of destitute women and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

- | | |
|---|---|
| 1. (1) This Act may be called the Destitute Women Welfare Act, 2000. | Short title and extent. |
| (2) It extends to the whole of India. | |
| 2. In this Act, unless the context otherwise requires, "destitute woman" means any female citizen of India who is a widow or a divorcee and who has no independent source of livelihood or who has nobody to support her. | Definition. |
| 3. The Central Government shall establish, in every district of the country, an Authority to be known as the "Destitute Women Welfare Authority." | Establishment of Destitute Women Welfare Authority. |
| 4. It shall be the duty of every Authority,— | Functions of the Authority. |
| (i) to register all destitute women residing in its respective jurisdiction; | |
| and | |

(ii) to work out plans and formulate schemes for the welfare of destitute women.

Facilities to
destitute
women.

5. The Central Government shall provide to every destitute woman, who is registered under section 4, the following facilities, namely:—

(a) gainful employment;

(b) free education including higher education;

(c) free medical aid; and

(d) such other facilities, as may be necessary, for her proper development, welfare and maintenance:

Provided that if a destitute woman gets re-married, all the facilities provided under this Act, shall be withdrawn.

Power to make
rules.

6. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Even after fifty-one years of independence, a large number of widows and divorced women are still deprived of Government aid or facility. Most of them are unemployed and do not get nutritious food and suffer from various ailments and die prematurely. It is the primary responsibility of the Government to ensure that they should be given all opportunities and facilities so that they could live in a healthy atmosphere and they should also be protected from all kinds of exploitation.

It is, therefore, necessary that a legislation for the welfare and protection of these destitute women be enacted immediately.

Hence this Bill.

NEW DELHI;
28 February, 2000.

RAMDAS ATHAWALE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of "Destitute Women Welfare Authority" in every district by the Central Government. Clause 4 provides that every Destitute Women Welfare Authority shall work out plans and formulate schemes for the welfare of the destitute women and shall also register all the destitute women residing in its respective jurisdiction. Clause 5 provides for providing of gainful employment, free education including higher education, etc. to all destitute women by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty-five lakhs per annum.

It is also likely to involve a non-recurring expenditure of about rupees four lakhs.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 107 OF 2000

A Bill to provide for payment of pension and provision of other rehabilitation facilities to old persons.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title, extent and commencement

1. (1) This Act may be called the Old Age Pension and Rehabilitation Act, 2000.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the State Government and in the case of a Union territory, the Central Government; and

(b) “old person” means any person who has attained the age of sixty years or more and who has no independent and adequate means of livelihood.

Pension to old persons.

3. (1) Every old person shall, on an application made in the prescribed form, be paid rupees one thousand per mensem as pension, by the appropriate Government.

(2) The pension payable shall be subject to alteration on the basis of the prevailing cost-index as may be determined by the Central Government.

(3) The pension referred to in sub-section (1) shall be disbursed to old persons by the appropriate Government through Government Treasury or any branch of nationalised bank as may be prescribed by the Central Government.

4. The infirm from amongst the old persons shall be kept in "Old Persons Homes" to be set up in every district by the appropriate Government.

Facilities for infirm persons.

5. It shall be the responsibility of appropriate Government in their respective jurisdiction to provide to old persons—

Facilities to old persons

(a) free medical aid in Government hospitals and other nearest dispensaries recognised by the Government; and

(b) residential accommodation free of cost.

6. (1) There shall be constituted by the Central Government a Fund to be known as the "Old Persons Welfare Fund" to carry out the purposes of this Act.

Constitution of Old Persons Welfare Fund.

(2) The Fund shall consist of the sums paid into it by the Central Government and grants and donations received from welfare agencies including international agencies.

7. The expenses incurred on providing the old persons with pension and other rehabilitation facilities provided under this Act shall be met out of the Fund constituted under section 6.

Expenses to be met out of the Fund.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

It is customary in our country for every Indian to look after his aged parents but now the economic conditions are such that it is not possible for the low income persons to support them. Today we find millions of old persons who are unable to take care of themselves or who do not have sufficient means or any support to lead a happy life. These people, who are without any source of income, live in hunger and are left uncared for. The majority of the aged are still left to fend for themselves. Our country being a welfare State, it should provide social security to such old and infirm persons.

This Bill seeks to give impetus to the new social order and to provide pension, medical and residential facilities to old persons.

NEW DELHI;
February 28, 2000

RAMDAS ATHAWALE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the payment of pension at the rate of rupees one thousand per month to such old persons who have attained the age of 60 years or more and who have no independent and adequate means of livelihood. Clause 4 provides that infirm persons from amongst the old persons shall be accommodated in old persons homes to be set up in every district. Clause 5 provides for medical aid and residential facilities free of cost to old persons. Clause 6 provides for the constitution of Old Persons Welfare Fund by the Central Government. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India.

It cannot be estimated at this stage as to how many old persons will need assistance from the Central Government. However, an annual recurring expenditure of about rupees four hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees twenty lakh will also be involved at the initial stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 104 OF 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2000.

Short title and
commence-
ment.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. Article 39 of the Constitution shall be renumbered as clause (1) thereof and after the clause as so renumbered, the following clause shall be inserted, namely:—

Amendment of
article 39.

“(2) The State shall, with a view to achieving the objectives as enshrined in sub-clauses (b) and (c) of clause (1), endeavour to generate employment and provide necessary facilities for self-employment.”.

STATEMENT OF OBJECTS AND REASONS

Article 39 of the Constitution of India provides that the State shall direct its policy to ensure the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment. This, no doubt, comes under the Directive Principles of State Policy but the operation of the country's economic policies over the years has resulted in concentration of wealth in the so-called "industrial houses", big or small, and in groups of families and their kith and kin. The rich are becoming richer and the vast majority of people are deprived of access to the means of production of wealth and their living standards remain comparatively low. The employment generation schemes are touching only the fringe of the problem of providing gainful means of livelihood to large sections of people in the country.

It is, therefore, desirable that the Government should undertake constructive employment generation schemes and provide necessary facilities for self-employment. The Government should give industrial licences, export and import licences, telephone booths for operating telephone services, petrol stations, L.P.G. agencies, ferry transport services, etc. to those individuals and members of their families who have not been benefited by such projects.

The Bill seeks to achieve the above objectives.

NEW DELHI;
February 28, 2000

RAMDAS ATHAWALE

BILL NO. 56 OF 2000

A Bill to provide for the prevention and control of the spread of Human Immuno Deficiency Virus (HIV) infection and to provide for specialised medical treatment and social support to and rehabilitation of persons suffering from Acquired Immuno Deficiency Syndrome (AIDS) and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Acquired Immuno Deficiency Syndrome (AIDS) Prevention Act, 2000.

(2) It extends to the whole of India.

(3) It shall come into force at once.

CHAPTER I

PRELIMINARY

2. In this Act, unless the context otherwise requires,—

(a) “AIDS” means Acquired Immuno Deficiency Syndrome in a person resulting from HIV infection;

Short title,
extent and
commence-
ment.

Definitions.

(b) "designated health authority" means an authority designated as such by a State Government under section 3;

(c) "HIV" means Human Immuno Deficiency Virus;

(d) "HIV infection" means the presence in the body of a person of HIV antibodies or antigens detected on the basis of test;

(e) "Prescribed" means prescribed by rules made under this Act;

(f) "registered medical practitioner" means a medical practitioner who possesses any recognised medical qualification as defined in clause (h) of section 2 of Indian Medical Council Act, 1956 and whose name has been entered in a State medical register;

102 of 1956

(g) "surveillance centre" means a surveillance centre established under section 8; and

(h) "test" means a serological procedure followed for detection of HIV antibodies or antigens in the body of a person.

CHAPTER II

DESIGNATED HEALTH AUTHORITIES

Appointment
of designated
health
authorities.

3. Every State Government shall, by notification in the Official Gazette, appoint such person or authority as it may deem fit as the designated health authority in every district and define the local limits within which such authority shall exercise the power and discharge the functions conferred or imposed on it by or under this Act.

Registered
Medical
practitioner to
give informa-
tion.

4. Every registered medical practitioner who, in the course of his practice becomes cognizant of any case of HIV infection in a person, or of a persons suffering from AIDS or a drug addict in any private or public dwelling hospital, nursing home or any other place, shall give information of such persons in such form and manner as may be prescribed and with the least practicable delay to the designated health authority within whose local limits he is practising.

Explanation:— For the purposes of this section, "drug addict" means an addict within the meaning of the Narcotic Drugs and Psychotropic Substances Act, 1985.

61 of 1985

Designated
authority to call
for information.

5. On the receipt of an information under section 4 or from any other source, the designated health authority shall have the power to direct the person referred to in section 4 to—

(a) furnish such information as that authority may require from him for initiating action under section 7 and section 9;

(b) submit himself for test;

(c) remove himself forthwith to a hospital or other place for special care and medical treatment where the authority considers it necessary so to do in the interest of such person and also to prevent the spread of HIV infection.

Persons belong-
ing to certain
categories to un-
dergo test.

6. The designated health authority may, having regard to the kinds of persons frequenting or living in any area or areas within its local limits and who are exposed to greater risk of acquiring or transmitting HIV infection or any other relevant consideration, provide facilities and make necessary arrangements for such persons to undergo test.

Steps to be
taken by desig-
nated health
authority.

7. The designated health authority shall, on receipt of information under section 4 or from any other source, take steps to provide for—

(a) counselling by qualified and specially trained persons;

(b) health education;

(c) specialised medical treatment;

(d) periodical clinical and serological follow up action;

(e) social support (including rehabilitation); to the HIV infected persons and persons suffering from AIDS and also take such other precautionary steps to prevent the spread of HIV infection as it may deem necessary.

CHAPTER III

SURVEILLANCES AND REHABILITATION

8. The Central Government, after consultation with a State Government, may, by notification in the Official Gazette, establish one or more surveillance centres in that State, for the purposes of this Act.

Establishment of surveillance centres.

9. (1) Every surveillance centre shall conduct clinical or laboratory tests or shall cause such tests to be conducted for the purpose of detecting, determining or monitoring the rate of HIV infection or for identifying the persons so infected amongst the general public or selected groups of persons.

Surveillance Centres to conduct survey and to report cases of HIV infection to designated health authority.

(2) Where a person has been detected to be having HIV infection or suffering from AIDS, the designated health authority may require this surveillance centre to take necessary steps to trace the sources from which such person has acquired HIV infection and the sources through which he might have transmitted the infection to others.

10. (1) No person who knows that he is infected with HIV or is suffering from AIDS, shall donate his blood, any organ or semen to any blood bank, hospital, laboratory or any other institution.

Bar to donation of blood, organs, etc

(2) No professional blood donor shall give blood to any blood bank, hospital, laboratory or any other institution unless he has got his blood tested every time he gives blood for the presence of HIV antibodies in his blood and such test has proved that it is free from HIV antibodies.

Explanation.—For the purposes of this section, the expression “professional blood donor” means a person who gives his blood more than once within a period of three months and for monetary consideration.

11. Every designated health authority shall,—

Steps by designated health authority.

(i) keep track of blood donors whose blood is found sero positive and remove him immediately to a surveillance centre;

(ii) cause to display of visuals or written messages in public transport about the effects of AIDS;

(iii) provide for counselling to inmates of jail about AIDS;

(iv) give special attention to migratory labour and create awareness among them of the need for safe sex and supply them with qualitative condoms;

(v) involve influential people in the society like Members of Parliament, Members of Legislature of the State, Members of Municipal Corporation or Committees and Panchayats and also other important religious leaders for spreading messages for prevention of AIDS;

(vi) frame a policy which will ensure participation of medical and para medical personnels in Government sectors in providing care and support to the people living with HIV and AIDS;

(vii) provide protection to health care participants against infection while dealing with HIV/AIDS patients;

(viii) provide proper health check up facilities for commercial sex workers

with the provision of health cards to them;

(ix) propagate hundred per cent use of condom during commercial sex activity;

(x) establish sexually transmitted diseases clinics in red light areas;

(xi) establish computerised AIDS information system in high HIV prevalent districts;

(xii) establish diagnostic centre of AIDS in every district;

(xiii) cause exhibition of short film on sexually transmitted diseases and HIV/AIDS, atleast for 10-15 minutes duration during interval in every cinema hall;

(xiv) provide licences to commercial workers and for their periodical check up facilities for treatment in case they are found sero positive;

(xv) cause screening of short films on HIV/AIDS in every college once in six months;

(xvi) make compulsory HIV testing for college students at the time of admission; and

(xvii) make compulsory testing of truck and other heavy vehicle drivers at the time of issuing licence or its renewal.

12. The Central Government shall,—

(i) immediately conduct a census in the country of persons suffering from HIV/AIDS;

(ii) frame a policy whether it is necessary to ascertain HIV status of a person before marriage and if found positive to inform the family members concerned;

(iii) frame a suitable policy regarding payment of life insurance amount in case of death of the individuals due to HIV/AIDS and related diseases;

(iv) encourage harm minimisation approach to combat the problem of HIV transmission in intravenous drug users;

(v) promote indigenous system of medicines and homoeopathy in all aspects of national programme;

(vi) make available at all tourist places a brochure on prevention and control of HIV/AIDS; and

(vii) encourage research and development in the field of HIV/AIDS, especially in the field of prevention of mother to child transmission and preventive HIV vaccine(s).

13. (1) Every State Government shall cause every antenatal case to be screened for AIDS at every maternity home or other hospital.

(2) Every State Government shall supply low cost indigenous kits to all antenatal clinics.

(3) Every State Government shall set up centres for the care of positive HIV antenatal mothers.

14. The Central Government shall, as soon as possible, bring forward suitable legislation,—

(i) to provide for medical termination of pregnancy for those antenatal mothers who are HIV positive and beyond twenty weeks of gestation period;

Steps by the
Central Gov-
ernment.

Measures re-
lating to ante-
natal cases.

Legislation by
Central Govern-
ment.

(ii) to ban on professional blood donation and to have strict regulation of blood banks run by commercial organisations; and

(iii) to provide for compulsory notification in case blood donated has been found positive for HIV/AIDS and to make prohibition of such person from blood donation in future.

15. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Acquired Immuno Deficiency Syndrome, more commonly known as AIDS; has of late assumed proportions of a major health hazard in several parts of the world. No vaccine is presently available for affording immunisation against the virus nor it is possible to cure the disease which invariably results in death. The World Health Organisation estimates that 5-10 million people have already been infected by HIV throughout the world.

2. In India, a surveillance programme on AIDS was initiated in 1985. Till 31st July, 1989, 3.33 lakh persons mainly belonging to "high risk groups" like sexually promiscuous men and women have been screened and 1,392 individuals were found to have HIV infection. The long incubation period (about 8 years) renders identification based on clinical symptoms alone is inadequate at the initial stage of infection. Therefore, surveillance based on serology is necessary to prevent the spread of HIV, which causes AIDS.

3. Having regard to potential of rapid spread of infection and the mode of its transmission, it is necessary to take effective measures to prevent the spread of HIV, by detecting persons infected, preventing transmission by them of infection to others and by providing counselling, health education and social support to, and rehabilitation of, infected persons.

The Bill seeks to provide for comprehensive measures for the prevention and control of AIDS.

NEW DELHI;
March 10, 2000.

V. SAROJA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides appointment of designated health authority in every district. Clause 5 of the Bill provides that the designated authority shall have the power to direct certain persons for test with respect to detecting HIV infection or AIDS. Clause 7 provides for counselling, health education, specialised medical treatment and social support and rehabilitation of persons suffering from AIDS or HIV infection. Clause 8 provides for establishment or surveillance centres for carrying out the provisions of the Bill. Clauses 11 and 12 provide that every State Government and Central Government shall make necessary steps for the prevention of AIDS. Clause 13 of the Bill provides for taking measures relating to antenatal cases. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. The Central Government will have to assist the States for carrying out the provisions of the Bill. It is likely to involve an annual recurring expenditure of about rupees one hundred crore. A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matters will relate to detail only, the delegated legislation of power is of a normal character.

BILL No. 68 OF 2000

A Bill further to amend the Forest (Conservation) Act, 1980.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Forest (Conservation) Amendment Act, 2000.

Short title.

69 of 1980.

2. In Section 2 of the Forest (Conservation) Act, 1980 (hereinafter referred to as the principal Act), after clause (iv), the following provisos shall be inserted, namely:—

Amendment of section 2.

Provided that the Central Government shall not withhold its approval for deforestation if the forest land to be acquired is for public development works such as construction of roads, drinking water schemes, laying of telegraph or telephone lines or any other development scheme for the benefit of the general public:

Provided further that the approval of the Central Government shall not be required if the forest land to be acquired for the purposes as provided in the first proviso is ninety hectares or less”.

Insertion of
new section
3C.

3. After section 3B of the principal Act, the following section shall be inserted, namely:—

Time limit for
disposals of
schemes by the
Central
Government.

“3C. The schemes approved by the State Governments and sent to the Central Government for approval shall be disposed of by the Central Government within one month of their receipt.”

Amendment of
section 4.

4. In section 4 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Central Government may, by notification in the Central Gazette, in consultation with the State Government, make rules for carrying out the provisions of this act.”.

STATEMENT OF OBJECTS AND REASONS

The Forest (Conservation) Act, 1980 provides that any forest land or any portion thereof may be used for any non-forest purpose provided it has the approval of the Central Government. As per the provisions of the Act, the developmental activities in the rural areas, especially in hilly areas, have come to a standstill. No new roads, water canals, etc. are being constructed after 1980-81. There is great resentment among the people regarding this Central law. Therefore, the amendment of the Act is necessary in order to accelerate the progress of the country.

NEW DELHI;
March 16, 2000.

V. SAROJA

BILL No. 86 OF 2000

A Bill further to amend the National Highways Act, 1956.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the National Highways (Amendment) Act, 2000.

(2) It shall come into force at once.

Amendment of
the Schedule.

2. In the Schedule to the National Highways Act, 1956, after Serial No. 35, the following Serial No., National Highway No. and Description of National Highways shall be inserted:—

48 of 1956.

"35A. 64A The highways connecting Thanjavur-

Pattukottai - Aranthangi - Pudukottai."

STATEMENT OF OBJECTS AND REASONS

The highways connecting Thanjavur - Pattukottai - Aranthangi - Pudukottai are in a bad shape. The highways are important not only from commercial point of view but also from tourist and pilgrimage point of view, Thousands of people from all over India use this road every day.

Therefore, for proper upkeep and maintenance, it is proposed to convert these highways into national highways.

NEW DELHI;
April 5, 2000.

THIRUNAVUKARASU

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for a new national highway between Thanjavur and Pudukottai. This Bill will not involve any additional expenditure from the Consolidated Fund of India. The expenditure shall be met out of grants of the Ministry of Surface Transport.

BILL No. 75 OF 2000

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2000.

Short title.

2. After article 16 of the Constitution, the following article shall be inserted, namely,—

Insertion of
new article
16A.

“16A. Notwithstanding anything in this Constitution, thirty-three percent. of appointments or posts in services under the State shall be reserved for women.”

Reservation of
appointments
or posts for
women.

STATEMENT OF OBJECTS AND REASONS

Despite great efforts made to ameliorate the sufferings of women, they continue to remain socially and economically weak. They, therefore, deserve special consideration and facilities for improving the quality of their lives. The percentage of women in employment is very low. There is job reservation for Scheduled Castes and the Scheduled Tribes and Backward Classes in order to make up leeway. But no such reservation exists for women, who constitute a large segment of socially and educationally backward population. They are denied social justice.

In order that women may enjoy the fruits of social justice, the job reservation facilities should be extended to women as in the case of other weaker sections of the society.

There is also a move to reserve thirty-three percent of seats in Lok Sabha and State Assemblies in favour of women. It is but appropriate that reservation should be extended to services also.

Hence this Bill.

NEW DELHI;
April 5, 2000.

V. SAROJA

BILL NO. 108 OF 2000

A Bill to provide for reservation in appointments to the services and posts in public sector undertakings, banks and autonomous bodies, private sector enterprises and other organisations for the Scheduled Castes, the Scheduled Tribes and the Backward classes and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Scheduled Castes, the Scheduled Tribes and the Backward Classes (Reservation in Services) Act, 2000.

Short title
extent and
commence-
ment.

(2) It shall extend to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means:—

(i) the Central Government in case of,—

(a) an enterprise or organisation wholly owned or managed or in which fifty-one percent, of shares are held by the Central Government;

(b) a Ministry/Department of the Central Government and its attached/subordinate and other offices; and

(c) any enterprise or organisation or establishment situated in a Union territory.

(ii) the State Government in case of,—

(a) an enterprise or organisation wholly owned or managed or in which fifty-one percent. of shares are held by the State Government;

(b) a Ministry/Department of the State Government and its attached/subordinate and other offices; and

(c) local or Municipal authority in a State.

(b) "enterprise" means:—

(i) central and State Government establishments;

(ii) public sector undertakings wholly owned by the Central or State Government or in which fifty-one percent and shares are held by the appropriate Government;

(iii) local or autonomous bodies constituted under any Central Act or a State Act for the time being in force;

(iv) nationalised and all scheduled banks, mutual funds and other financial institutions owned or managed by the appropriate Government;

(v) any trade, business industrial or service organisation or any other establishment employing ten or more persons operating in any State or Union territory;

(vi) any educational institution including established by a Central Act or by a State Act or receiving funds from Central or a State Government; and

(vii) hospitals including charitable hospitals.

(c) "Backward Classes" means as defined in National Commission for Backward Classes Act, 1993;

27 of 1993.

(d) "prescribed" means prescribed by rules and regulations framed under this Act.

Recruitment and promotion policy for reservation of posts for Scheduled Castes, Scheduled Tribes and Backward Classes.

3. (1) The appropriate Government shall lay down a recruitment and promotion policy for reservation of posts for the Scheduled Castes, the Scheduled Tribes and the Backward Classes in all enterprises.

(2) It shall be incumbent on all private enterprises to ensure that the posts and appointments in different categories and grades are reserved as per policy laid down under sub-section (1) and to ensure that the same are duly filled in, with persons drawn from different categories as contemplated thereunder.

(3) Failure to comply with the reservation policy provided under sub-section (1) shall attract penalties as may be prescribed by the Board set up under section 6.

(4) It shall be the duty of each financial institution, to ensure before granting loans, aid or grants to any enterprise to fulfil the following:—

(i) that they conform to the recruitment and promotion policy laid down under sub-section (1) of section 3;

(ii) they submit a statement of the staff and personnel employed and to be employed; and

(iii) they submit a declaration and an undertaking that they would continue to conform to the policy laid down under sub-section (1).

4. The appropriate Government shall constantly ensure through such authorities as Labour Commissioner that the recruitment and promotion policy as laid down in section 3 is followed by each enterprise. Implementa-
tion of policy.

5. (1) The appropriate Government shall constitute a Board for monitoring the recruitment and promotion policy for reservation of posts for Scheduled Castes, Scheduled Tribes and Backward Classes in all enterprises. Board for
monitoring the
reservation and
promotion
policy.

(2) The Board shall consist of—

(a) a Chairperson to be nominated by the appropriate Government who shall be from Scheduled Castes, or the Scheduled Tribes or Backward Classes;

(b) such other members, not less than four, nominated by the appropriate Government:

Provided that one member shall be from the Scheduled Castes, or the Scheduled Tribes or the Backward Classes.

6. The Board shall perform all or any of the following functions:—

Functions of
the Board.

(a) to protect the interests of the Scheduled Castes, the Scheduled Tribes and the Backward Classes under the provisions of this Act;

(b) to over-see the implementation of the provisions of this Act;

(c) to entertain complaints against enterprises alleged to have defaulted in carrying out the provisions of this Act;

(d) to issue orders and directions to State and private enterprises and organisations to ensure compliance of the provisions of this Act;

(e) to carry out any functions, consequential and incidental thereto; and

(f) any other matter which may be referred to it by the appropriate Government.

7. The Central Government may, by notification in the Official Gazette make rules, for carrying out the provisions of this Act. Power to make
rules.

STATEMENT OF OBJECTS AND REASONS

With the enforcement of economic reforms and with the advent of liberalisation of economy since 1991, greater emphasis in Government's economic policy is being given to free trade, business and industry. The economy has, so to say, been transformed from protected economy, into liberal economy with emphasis on free enterprise. With India having signed the agreements as a member of the World Trade Organisation, more and more of public sector enterprises are being passed into private hands, workers' co-operatives or being transformed into joint-sector enterprises with increasing private equity and joint-ventures with foreign countries, non-resident Indians or multinational organisations.

In this scenario the public sector is shrinking fast and the provision for reservations of posts and jobs for weaker sections of the society, as contemplated under article 16(4) or under the Mandal Commission Report, being restricted only to appointments to services and posts in connection with affairs of the Union and the State Government are losing their significance, in so far as protection of the interests of the Scheduled Castes, Scheduled Tribes and Backward Classes are concerned.

Time has come and situation has arisen when the spirit of the provisions of the Constitution and the Mandal Commission recommendations should be extended to cover besides the services of the 'State', the joint sector, private sector, co-operative enterprises and other organisations.

Even after 53 years of independence, the Scheduled Castes, Scheduled Tribes and other socially and educationally Backward Classes of citizens continue to suffer deprivation and are denied their due share of opportunities for development and their upliftment. Moreover, Supreme Court, has through recent judgements, such as those in Indra Sawhni and Ajit Singh (*II*) cases, tried to lay down a restricted interpretation of the provisions of article 16(4) and (4A), to the detriment of these deprived classes.

Hence this Bill.

NEW DELHI;
April 13, 2000

SUSHIL KUMAR SHINDE

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the constitution of a Board for monitoring the recruitment and promotion policy for reservations in enterprises. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees two crore. A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 103 OF 2000

A Bill to provide for the abolition of child labour in hazardous employment and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Abolition of Child Labour in Hazardous Employment Act, 2000.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force immediately.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means the Central Government or a State Government, as the case may be;

(b) "child" means a person who has not completed his fifteenth years of age;

(c) "employer" means the person who engages a child in a hazardous job or employment or who has the ultimate control over the affairs of an establishment where work, hazardous in nature, is carried out;

(d) "hazardous employment" means an employment or a job or occupation in an enterprise or an establishment or any place where the worker is exposed to hazards to life or such exposure which results in accident, chronic diseases, grievous hurt, depravity or degeneration of life including immoral or criminal acts and includes any other such establishment as specified in the Child Labour (Prohibition and Regulation) Act, 1986.

61 of 1986.

Abolition of
child labour in
hazardous
employment.

3. Child labour in any form in a hazardous employment is hereby abolished.

Punishment.

4. Whoever engages a child in any hazardous employment shall be punished with imprisonment for a term which shall not be less than five years or with fine which shall not be less than rupees fifty thousand:

Provided that if such child—

(a) is a girl child; or

(b) is a bonded child; or

(c) is engaged—

(i) in jobs involving any moral turpitude;

(ii) in jobs having direct impact on the morality of the child;

(iii) in flesh trade; or

(iv) in begging activity,

such employer shall be punished with imprisonment for a term which shall not be less than ten years and with fine which shall not be less than one lakh rupees but which may extend to rupees two lakh in case of an employer in flesh trade.

Punishment in
case of not
registering of
cases.

5. If any police officer responsible for registering cases for violation of provisions of this Act, refuses to register a case or otherwise aids or abets the commission of an offence under this Act, he shall be punished with imprisonment for a term which shall not be less than three years and with fine which shall not be less than twenty-five thousand rupees.

Publication of
list of
hazardous
employment.

6. The appropriate Government shall publish a list of hazardous employments within its jurisdiction immediately.

Act to be in
addition to and
not in
derogation of
any other law.

7. The provisions of this Act, or the rules made thereunder shall be in addition to, and not in derogation of any other law for the time being in force or any rules, order or any instructions issued thereunder, enacted for the prohibition and regulation of child labour.

Power to make
rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Article 24 of the Constitution prohibits the employment of children below 14 years of age in any factory or mine or engaged in any other hazardous employment. Every child has a right against exploitation. The very fact that the child is kept away from school and is made to work for earning bread itself speaks that the child is being exploited. In a welfare State like ours, it is the duty of the Government to provide education to the children and ensure that they are not exploited in any manner.

Yet, the fact that with the fast growing population of the country, even 53 years after the country got Independence, a high percentage of over 35 per cent, continues to live below the poverty line explains the inevitability of huge work force comprising of children. The children are sent to work by the parents for earning the livelihood. In most of the cases the children are forced to work in jobs and employment which are hazardous in nature, including those involving moral turpitude and sexual abuse. Despite the constitutional provisions prohibiting employment of children in hazardous jobs, millions of children continues to work in fireworks and match factories, glass and bangle factories and carpet factories and mines, etc.

It is a matter of grave concern that children are forced to beg by their parents, guardians, gang leaders and others. Children are engaged in immoral and illegal activities. Several children are engaged as carriers of drugs by smugglers and others. Reports of minor girls finding their way into flesh trade are rampant.

An effort was made in the year 1986 to prohibit and regulate employment of children in hazardous jobs. However, "hazardous employment" has not been defined till date. An attempt has been made to define hazardous employment as an employment which is hazardous not only physical in nature but also a threat to moral character and even life of children.

The 1986 Act has failed to provide any deterrent punishment for employment of children in hazardous jobs and as such the number of child workers in various hazardous jobs has continued to increase during the last ten years. The definition of what is called "hazardous-job" is to be provided.

Therefore, it is proposed to make stringent provision not only for employment of children in hazardous jobs but also in illegal and immoral activities.

Hence this Bill.

NEW DELHI;
April 13, 2000.

SUSHIL KUMAR SHINDE

MEMORANDUM REGARDING DELEGATED LEGISLATION

- Clause 8 of the Bill empowers the Central Government to make rules for carrying out the provisions of this Bill. Since the matters for which the rules will be made are matters of detail only, the delegation of legislative powers is of a normal character.
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BILL NO. 105 OF 2000

A Bill to provide for removal of undue restrictions on freedom of religion.

WHEREAS article 25 of the Constitution of India, *inter alia*, provides that all persons are entitled freely to profess, practise and propagate religion;

AND WHEREAS the right to propagate religion logically leads to legitimate conversions to that religion;

AND WHEREAS this right has been unduly restricted by laws passed by some State Legislatures by creating new criminal offences;

AND WHEREAS experience has disclosed that the use of criminal law for this purpose has led to persecution and inhibition of legitimate religious activity;

45 of 1860.

AND WHEREAS the use of force or fraud is adequately dealt with by the existing provisions in the Indian Penal Code, 1860;

AND WHEREAS under entry 97 of List I of the Seventh Schedule to the Constitution of India, Parliament is competent to legislate on the subject of religious freedom;

AND WHEREAS under entry 1 of List III of the Seventh Schedule to the Constitution of India, Parliament is competent to legislate on the subject of criminal law and to prevent the misuse of criminal law for any purpose whatsoever;

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:

Short title and
commence-
ment.

1. (1) This Act may be called the Freedom of Religion (Removal of Restrictions) Act, 2000.

(2) It shall come into force at once.

Repeal of
certain laws.

2. The laws specified in the Schedule hereto annexed shall stand repealed.

THE SCHEDULE

(See section 2)

1. The Orissa Freedom of Religion Act, 1967.
2. The Madhya Pradesh Dharma Swatantraya Adhiniyam, 1968.
3. The Arunachal Pradesh Freedom of Religion Act, 1978.

STATEMENT OF OBJECTS AND REASONS

The three pieces of local legislation mentioned in the Schedule to the Bill have placed undue restrictions on the right freely to profess, practise and propagate religion. They have also led to persecution of the minorities. The Bill is intended to repeal these Acts.

NEW DELHI;
May 10, 2000.

G.M. BANATWALLA.

BILL NO. 100 OF 2000

A Bill to amend the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Punjab Municipal Corporation Law (Extension to Chandigarh) Amendment Act, 2000.

Short title.

2. In the Schedule to the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994, in the entry relating to section 4, in sub-section 3, in clause (ii), for the words “nine members with voting rights”, the words “two members without voting rights shall be substituted.”.

Amendment of
Act No. 45 of
1994.

STATEMENT OF OBJECTS AND REASONS

Under article 243R of the Constitution of India, such persons who have special knowledge or experience in Municipal administration shall be represented as nominated members of Municipal Committees and Municipal Corporation and they shall not have the right to vote. With only 20 elected members in the Chandigarh Municipal Corporation, 9 nominated members can certainly upset and reverse the verdict of the electorate. Such a right to nominated members is against democratic values and traditions. It is, therefore, necessary that the number of nominated members should be reduced to two and it will be most appropriate and desirable that nominated members are not given the right to vote.

Hence this Bill.

NEW DELHI;
May 12, 2000

RATTAN LAL KATARIA

BILL No. 117 OF 2000

A Bill to provide for removal of undue restrictions as regards public religious buildings and places leading to inhibition of the freedom of religion.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Religious Places (Removal of Restriction on Freedom of Religion) Act, 2000.

Short title and
commencement.

(2) It shall come into force at once.

2. The laws specified in the Schedule hereto annexed shall stand repealed.

Repeal of
certain laws.

THE SCHEDULE

(See Section 2)

1. The Rajasthan Religious Buildings and Places Act, 1954.

2. The Madhya Pradesh Sarvajanic Dharmik Bhavan Tatha Sthan Viniyaman Adhiniyam, 1984.

STATEMENT OF OBJECTS AND REASONS

Article 25 of the Constitution of India provides, *inter-alia*, that all persons are entitled freely to profess, practise and propagate religion. Article 26 guarantees every religious denomination the right to manage religious affairs.

The two local legislative enactments mentioned in the Schedule to the Bill have placed undue restriction on the religious rights. These enactments also over-ride the provisions of several Central Acts like the Wakf Act, Religious Endowment Acts, Criminal Procedure Code and others passed by the Parliament in its collective wisdom. The Acts mentioned in the Schedule ride rough-shod over the public policy as contained in the Central legislations as also in the provisions of the Constitution, and which public policy is the delicate, sensitive basis of the national unity of our multiple society.

There is no dearth of laws, including the Religious Institutions (Prevention of Misuse) Act, 1988, to deal with misuse of religious places.

The Parliament is competent to legislate on the subject of religious freedom under entry 97 of List-I of the Seventh Schedule to the Constitution of India. Similarly, under entries 1 and 28 of List-III of the Seventh Schedule to the Constitution, Parliament is further competent to legislate on the subject of the Bill.

The Bill is intended to repeal the Acts specified in the Schedule.

NEW DELHI;
15th May, 2000.

G. M. BANATWALLA

BILL No. 112 OF 2000

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2000.

Short title and
commence-
ment.

(2) It shall come into force at once.

2. In the Constitution (Scheduled Castes) Order, 1950,—

Amendment of
C.O. 19.

(i) paragraph 3 shall be omitted;

(ii) in the Schedule, in Part III, in relation to State of Bihar, after entry 23, the following entries shall be inserted, namely:—

“24. Banzara/bakkho

25. Bhant/bhand

26. Bhatiara
27. Bhisti
28. Chik
29. Dafali
30. Darzee
31. Fakir
32. Churihara
33. Dhunia
34. Gulmulia
35. Nai/hazam
36. Julaha
37. Kalandar
38. Kunjara
39. Kasab
40. Lohar
41. Mallah
42. Meerasi
43. Meershikar
44. Namashudra
45. Pamaria
46. Pauds
47. Rangrej
48. Sikilgar
49. Nunia''

STATEMENT OF OBJECTS AND REASONS

In the Constitution (Scheduled Castes) Order, 1950, only a person professing Hindu, Sikh or Buddhist religion can be included in the Schedule to the Order. Persons belonging to other religions like Islam, Christianity, etc. have not been included in the Schedule.

In fact there was no religious restriction for providing reservation in its inception in 1935. The status of Dalits of other religions is also equally bad and they are lagging behind in comparison to the brethren of the same status.

The discrimination meted out to persons professing other religions is against the secular character of the Constitution. Moreover, the provision of reservation is caste based and not religion based. It would be appropriate to extend facilities enjoyed by Scheduled Castes belonging to persons professing other religions also. With this view it is proposed to omit paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 to do away with religious restriction and to include certain castes belonging to Muslim Dalits in the list of Bihar.

Hence this Bill.

NEW DELHI;
May 17, 2000.

RAGHUVANSH PRASAD SINGH

BILL NO. 113 OF 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title.

1. (1) This Act may be called the Constitution (Amendment) Act, 2000.

Insertion of
new articles
151A to 151C.

2. After article 151 of the Constitution, the following heading and articles shall be inserted, namely:—

CHAPTER VI — PLANNING COMMISSION OF INDIA

Setting up of
Planning
Commission.

151A. (1) There shall be set up by the Government of India a Planning Commission which shall consist of a Chief Planning Commissioner and two other Planning Commissioners.

(2) The Chief Planning Commissioner and two other Planning Commissioners shall be appointed for a term of five years or until they attain the age of sixty-five years, whichever is earlier.

(3) The appointment of the Chief Planning Commissioner and two other Planning Commissioners shall be made by President on the advice of a Committee comprising the Chairman of the Council of States, the Prime Minister, the Speaker of the House of the People and Leaders of Opposition of both Houses of Parliament.

(4) The terms and conditions of the appointment of the Chief Planning Commissioner and two other Planning Commissioners shall be such as may be prescribed by or under any law made by Parliament.

151B. (1) It shall be the duty of the Planning Commission to prepare plans at the expiration of every five year or at such earlier time as it may consider necessary for the economic and arround development of the country.

Duty of
Planning
Commission

(2) While preparing plans, the Planning Commission may take into consideration the following factors, namely:—

(a) the sectors which require urgent attention;

(b) the views of all the Chief Ministers of the States and Administrators of the Union Territories, as the case may be;

(c) the backwardness of different areas of the country:

Provided that the Planning Commission may while declaring an area as a backward area, take into account the industrialisation, agricultural production in that area and such other factors as it may consider necessary.

(3) The Planning Commission shall, after preparation of the plans, forward the same to the Government of India.

(4) It shall be the responsibility of the Government of India to allocate sufficient funds for the implementation of all the plans framed by the Planning Commission.

(5) It shall be the responsibility of the Planning Commission to monitor the progress of each project and plan framed by it and recommend improvements to the Government of India for early implementation of those plans.

151C. (1) **There shall be set up a Secretariat to be known as Planning Commission Secretariat.**

Planning
Commission
Secretariat.

(2) The Secretariat shall be headed by a Chief Advisor and shall consist of such number of Joint Advisors, Assistant Advisors and such other officers and staff as may be necessary for the efficient functioning of the Secretariat.

(3) The terms and conditions of appointment of Officers and other staff of the Planning Commission Secretariat shall be such as may be prescribed by or under any law made by Parliament in this behalf.

(4) The Secretariat shall assist the Planning Commission in carrying out its functions.

STATEMENT OF OBJECTS AND REASONS

Since the last fifty years of our Independence, eight five year plans have been implemented and ninth five year plan is under implementation. The country has not been able to make much progress despite all these plans. Although the Planning Commission has been framing plans and projects, yet they are not implemented due to insufficient allocation of funds by the Government. Moreover, the recommendations of the Planning Commission are purely recommendatory in nature and are not binding on the Government.

The plans and projects framed by the Planning Commission remain only on paper as the Government does not allocate sufficient funds for their implementation. Even for those projects for which sufficient funds have been allocated, the progress has been very slow and as a result the cost of project is escalating. Among those plans and projects of which could not be implemented are power projects and projects which are connected with infrastructural facilities.

Majority of population of our country lives in utter poverty and does not have even basic facilities of life. The purpose of which the Planning Commission was set up has not been achieved in as much as the plans and projects framed by them are not at all implemented.

The Planning Commission does not have a statutory status at present. It is, therefore, proposed to amend the Constitution with a view to giving the present Planning Commission a statutory status. And also to provide that the Central Government shall allocate sufficient funds for implementing the plans framed by the Planning Commission. This measure would accelerate our economic progress.

Hence this Bill.

NEW DELHI;
26 June, 2000

VILAS MUTTEMWAR

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the establishment of an independent Planning Commission consisting of a Chief Planning Commissioner and two other Planning Commissioners. It also provides for the establishment of a Planning Commission Secretariat consisting of such officers and staff as may be required.

Already a Planning Commission consisting of members and other officers is in existence. Therefore, no expenditure will be involved from the Consolidated Fund of India in respect of the proposed Planning Commission. However, additional expenditure may be involved from the Consolidated Fund of India in respect of salary etc. to be paid to some more officers who may have to be appointed for efficient discharge of the functions of the Planning Commission. Some more office accommodation, furniture etc. may also have to be provided for this purpose. It is estimated that an annual recurring expenditure of about Rs. 10 crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees 3 crore is also likely to be involved.

BILL NO. 109 OF 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2000.

Amendment
of article 324.

2. In article 324 of the Constitution, in clause (2), after the words “to be made by the President” the following words shall be added, namely :—

“on the recommendation of a Committee consisting of the Chairman of the Council of States, the Prime Minister, the Chief Justice of India, the Speaker of the House of the People, the Leader of Opposition in the Council of States and the Leader of Opposition in the House of the People.”.

STATEMENT OF OBJECTS AND REASONS

For the last few years, the Election Commission has attracted criticism for taking arbitrary decisions which were not agreed to by all political parties including party in power. On several occasions there have been confusion and conflict between Election Commission and the Government on various issues, which were subsequently taken up before the Supreme Court. The division of opinion among the Election Commissioners has surfaced on various issues from time to time. The functioning of the Election Commission has been a subject matter of debate in the media and among the public.

In order to ensure that the Election Commission functions in a proper manner, it is necessary that the Chief Election Commissioner and other Election Commissioners be appointed by the President on the recommendations of a Committee comprising the Chairman of the Council of States, the Prime Minister, the Chief Justice of India, the Speaker of the House of the People, the Leader of Opposition in the House of the People and the Leader of Opposition in the Council of States.

The Bill seeks to achieve the above objective.

NEW DELHI;
June 26, 2000

VILAS MUTTEMWAR

BILL NO. 110 OF 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2000.

Insertion of
new article
75A.

2. After article 75 of the Constitution, the following article shall be inserted, namely:—

Provision for
care-taker
Government.

"75A. (1) Notwithstanding anything contained in this Constitution, during the period from the date of announcement of general election to the House of the People or from the date of dissolution of the House of the People, till the date of constitution of new House of the People, there shall be a care-taker Government consisting of a Prime Minister and ten other Ministers, who shall not belong to any Political Party to aid and advise the President:

Provided that no person against whom any criminal or civil suit has been initiated or is pending in any court of law, shall be appointed as Prime Minister or a Minister:

Provided further that the Prime Minister and other Ministers shall not contest ensuing elections to the House of the People.

(2) The Prime Minister shall be appointed by the President from amongst the former Judges of the Supreme Court.

(3) The Ministers shall be appointed by the President from amongst persons who, in the opinion of the President, possess administrative skills or are involved in social work.

(4) Such Government shall carry out the day to day affairs of the administration and shall not take any policy decision or major decision including making appointments of important positions under the Union or transfer of senior officials."

3. After article 164 of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
164A.

"164A. (1) Notwithstanding anything contained in this Constitution, during the period from the date of announcement of general election to Legislative Assembly of a State, or from the date of dissolution of the Legislative Assembly of the State, till the date of constitution of new Legislative Assembly of the State, there shall be a care-taker Government of the State, consisting of a Chief Minister and ten other Ministers, who shall not belong to any political party to aid and advise the Governor:

Provision for
care-taker
Government.

Provided that no person against whom any criminal or civil suit has been initiated or is pending in any court of law, shall be appointed as Chief Minister or a Minister:

Provided further that the Chief Minister and other Ministers shall not contest ensuing elections to the Legislative Assembly of the State.

(2) The Chief Minister shall be appointed by the Governor from amongst the former Judges of the High Court.

(3) The Ministers shall be appointed by the Governor from amongst persons who, in the opinion of the Governor possess administrative skills or are involved in social work.

(4) Such Government shall carry out the day to day affairs of the administration and shall not take any policy decision or major decision including making appointments of important positions under the State Government or transfer of senior officials in the State."

STATEMENT OF OBJECTS AND REASONS

In India, democracy is functioning for the last fifty years and there have been twelve general elections for the Lok Sabha so far. During these elections a lot of controversy arose over administrative interference particularly by ruling party during the elections. To check the administrative interference during the elections by the party in power, the Election Commission had proposed a model code of conduct for all the Governments in power. To some extent this code of conduct has helped in controlling the misuse of the Government machinery. But this model code of conduct has no legal validity. India being a vast country, it would not be possible to control misuse of Government machinery even after this code of conduct has been formulated by the Election Commission. It is necessary to evolve a permanent solution of all these maladies and to strengthen democratic process in the country. Therefore, it is now high time that the Constitution was amended for making provision of a care-taker Government to look after the day to day administration during the period from the date of announcement of general elections or from the date of dissolution of the House of the People till the date of constitution of new House of the People. In our neighbouring country Bangladesh, such experiments are being carried out successfully.

Similar provisions should also be made in case of State Assemblies. The Election Commission had also recommended that Chief Ministers should resign after the elections have been declared in the States.

The proposed care-taker Governments in the Centre and States have become necessary to have free and fair elections in the country.

Hence, the Bill.

NEW DELHI;
June 26, 2000.

VILAS MUTTEMWAR

BILL NO. 116 OF 2000

A Bill further to amend the Cinematograph Act, 1952.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Cinematograph (Amendment) Act, 2000.

Short title and
commence-
ment.

(2) It shall come into force at once.

37 of 1952

2. In section 5B of the Cinematograph Act, 1952, the sub-section (2) shall be re-numbered as sub-section (3) and before sub-section (3) as so re-numbered, the following sub-section shall be inserted, namely:—

Amendment
of Section 5B.

“(2) A film shall not be certified for public exhibition if it depicts scenes involving:—

- (i) wastage/damage to food items, edibles, fruits/vegetables, milk, etc.
- (ii) loss of crops;
- (iii) damage to or burning of public property;
- (iv) tearing of currency notes, damage of books and stationery; and
- (v) tearing and burning of clothes.”.

STATEMENT OF OBJECTS AND REASONS

India is the largest film producer in the world. Some of the films depict scenes involving damage to food items, public property, crops etc. India is a poor country. Crores of people go without food every day. And in films food items in large quantities are wasted/damaged just for the sake of fun for a few minutes. Such scenes should not be allowed to be depicted in films.

Moreover, scenes depicting tearing of currency notes, etc. are disrespectful and in bad taste.

Therefore, it is proposed to amend the Cinematograph Act, 1952 with a view to provide for strict guidelines in case of certification of films.

NEW DELHI;
June 28, 2000.

SUBODH MOHITE

BILL NO. 114 OF 2000

A Bill to provide for compulsory registration of marriages in India and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first year of the Republic of India as follows:—

1. (1) This Act may be called the Registration of Marriages Act, 2000.

Short title and
commence-
ment.

(2) It shall come into force at once.

2. Every marriage performed after the commencement of this Act under any law for the time being in force in India or under any custom or usage having the force of law shall be compulsorily registered.

Compulsory
registration of
marriage.

3. The marriages shall be registered—

Authority for
registration of
marriages.

(i) in the office of Panchayat in the rural areas;

(ii) with the Sub-Registrar or Tehsildar, or such Municipal Authority, who may be authorised by the State Government in this behalf, in the urban areas:

Provided that where there is no Panchayat, the marriages shall be registered with the nearest Sub-Registrar or Tehsildar who may be authorised in this behalf.

Particulars of marriage.

4. (1) The particulars of the marriage to be entered in the marriage register to be maintained by the Panchayat, Sub-Registrar or Tehsildar or Municipal Authority, as the case may be, and the form and manner in which such particulars shall be entered, shall be prescribed by the respective State Governments.

(2) The State Government shall also prescribe the documents relating to marriage to be furnished at the time of registration for record.

(3) The particulars/documents relating to marriage, to be prescribed by the State Government, required to be furnished for registration, shall include the following, namely:—

(a) the names and addresses of the bride, bridegroom and their parents;

(b) the age of the bride and the bridegroom with documentary proof thereof;

(c) photographs of the married couple and marriage ceremony;

(d) invitation card, if printed for the marriage;

(e) an inventory of gifts received by the bride and the bridegroom from the time of betrothal till the completion of marriage;

(f) an affidavit stating the share of the bride in her parents' property till the date of her marriage with an assurance to ensure her claim on her share in the property earned after her marriage; and

(g) a statement of expenses incurred by both the parties for marriage ceremony including betrothal.

Declaration at the time of registration.

5. (1) The bride, the bridegroom and their parents or guardians shall make a declaration at the time of registration of the marriage in the form of an affidavit, to be prescribed by the Central Government, that they have not violated any provision of any existing law relating to marriage, prohibition of dowry and prohibition of polygamy, applicable to them.

(2) A person making a false declaration under sub-section (1) shall be punishable with imprisonment which may extend to two years but which shall not be less than six months.

Duty of parents, etc. to registration and penalty for failure.

6. (1) It shall be the duty of the bride, the bridegroom and their parents or guardians to get the marriage registered within ten days of the date of solemnisation of the marriage.

(2) In case the parents or the guardians of the bride and the bridegroom fail to apply for the registration of the marriage and to furnish the necessary particulars/documents within the prescribed time, they shall be liable to pay a fine which may extend to five hundred rupees:

Provided that if the application for registration is not made and the necessary particulars/documents are not furnished within thirty days after the date of marriage, they shall be liable to pay further fine of five hundred rupees per week after the expiry of the aforesaid thirty days.

Legal status.

7. Notwithstanding anything contained in any other law for the time being in force, a marriage which is not registered under this Act, shall not be treated as a valid marriage and shall be declared as null and void.

Power to make rules.

8. The Central or the State Government, as the case may be, may frame rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The security and sanctity of marriage is fast diminishing. Number of dowry deaths or suicides due to mental and physical torture inflicted on young wives is increasing at an alarming rate. Women are either abandoned or deceived and lured into marrying illegally, contravening the law relating to prohibition of polygamy.

There is an urgent need to protect women from destitution, polygamy and economic insecurity.

This Bill seeks to achieve these objectives.

NEW DELHI;
June 28, 2000.

SUBODH MOHITE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central and the State Governments to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, *e.g.*, particulars/documents relating to marriage to be furnished at the time of registration of marriage, the delegation of legislative powers is of a normal character.

BILL No. 118 OF 2000

A Bill to establish an Indian Medicine Development Corporation to promote the development of Indian system of medicine and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (i) This Act may be called the Indian Medicine Development Corporation Act, 2000. Short title and commencement.

(ii) It shall come into force at once.

2. In this Act, unless the context otherwise requires:— Definitions.

(i) "Corporation" means the Indian Medicine Development Corporation set up under section 3;

(ii) "Indian System of medicine" means and includes Ayurveda, Unani, Naturopathy, Siddha, Homoeopathy, Electropathy, and such other system as may be recognised as Indian System of medicine;

(iii) "prescribed" means prescribed by rules made under this Act.

Establishment
of Indian
medicine
Development
Corporation.

3. (1) The Central Government shall establish a Corporation to be known as "Indian Medicine Development Corporation" with its headquarters at Nagpur.

(2) The Corporation may set up offices and branches at any other place as the Corporation may deem fit.

Paid up capital
of the Corpora-
tion.

4. (1) The paid up capital of the Corporation shall be rupees ten thousand crore.

(2) The Central Government may from time to time increase the paid up capital of the Corporation to such extent and in such manner as the Government may determine.

(3) Such capital may be provided by the Central Government from time to time after due appropriation made by Parliament by law for the purpose and subject to such terms and conditions as may be determined by that Government.

Functions of the
Board of Direc-
tors.

5. (1) The general superintendence, direction and management of the affair and business of the Corporation shall vest in a Board of Directors and the Board of Directors may exercise all such powers and perform such functions as may be exercised or performed by the Corporation under this Act.

(2) The Board of Directors, in discharging its functions, shall act on business principles, having regard to the interests of the Corporation and shall be guided by such instructions on questions of policy as may be given in writing to it by the Central Government.

(3) If any doubt arises as to whether a question is or is not a question of policy, the decision of the Central Government thereon shall be final.

6. (1) The Board shall consist of:—

(i) a Chairman who shall be an expert in Indian system of medicine;

(ii) five members to represent each system of medicine;

(iii) one member to represent environment and forests to be appointed by the Central Government.

(2) The Chairman and other members of the Board shall constitute the Board of Directors and hold office for a term of five years from the date of their appointment.

(3) The Central Government shall appoint one person among the Board of Directors as the Managing Director.

(4) The Chairman and other members shall be entitled to such salaries and allowances as may be prescribed.

Qualification for
appointment.

7. (1) A person shall be disqualified for being appointed as, and for being, a Chairman or Director of the Board:—

(a) if he is, or at any time has been adjudicated insolvent or has suspended payment of his debts or has compounded with his creditors; or

(b) if he is of unsound mind and has been so declared by a competent court; or

(c) if he is or has been convicted of any offence which in the opinion of the Central Government involves moral turpitude; or

(d) if he has been removed or dismissed from service of the Government or a corporation owned or controlled by the Government; or

(e) except in the case of the Chairman or the Managing Director, if he is a salaried official of the Government or a Corporation owned or controlled by the Government.

Removal from
office.

8. (1) The Central Government may, at any time, after consultation with the Board, remove the Managing Director from the office after giving him a reasonable opportunity of showing cause against the proposed removal.

(2) The Board of Directors may remove any director from office who—

(a) is or has become subject to any of the disqualifications mentioned in section 7; or

(b) is absent, without leave of the Board of Directors from more than three consecutive meetings thereof without sufficient cause, in the opinion of the Board, to exonerate his absence.

(3) The Chairman or a Director of the Board may resign his office by giving notice thereof in writing to the Central Government and on such resignation being accepted, he shall be deemed to have vacated his office.

9. (1) The Board of Directors of the Corporation shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings including the quorum at meetings, as may be provided by regulations made by the Corporation under this Act.

Meeting of the Board of Directors.

(2) The Chairman of the Board, if for any reason is unable to attend any meeting, any other director elected by the directors present at the meeting shall preside over such meeting.

(3) All questions which come up before any meeting of the Board shall be decided by a majority of the votes of the directors present and voting, and in the event of an equality of votes, the Chairman, or in his absence the person presiding over the meeting shall have and exercise a second or casting vote.

10. (1) The Central Government may, in consultation with the Board by notification in the Official Gazette, constitute one or more Advisory Committees consisting of such persons and on such terms and conditions as may be prescribed.

Advisory Committee.

(2) It shall be the duty of the Advisory Committee so constituted to advise the Central Government or the Corporation in regard to any matter connected with the purpose of this Act in respect of which its advice is sought by the Central Government, or by the Corporation, as the case may be.

(3) The expenses in relation to the Advisory Committees shall be met by the Corporation.

11. (1) The Central Government shall, except in the case of initial constitution of the Board, after consultation with the Corporation, appoint a person to be the Secretary of the Corporation.

Secretary and other officers.

(2) Subject to such rules as may be made by the Central Government in this behalf, the Corporation may appoint such other officers and employees as it may consider necessary for the efficient performance of its functions.

(3) The method of appointment, conditions of service and the scales of pay of the officers and other employees of the Corporation shall:—

(a) in respect of the Secretary, be such as may be prescribed by the Central Government;

(b) in respect of the officers and employees, be such as may be determined by regulations made by the Corporation under this Act.

12. The Corporation shall perform the following functions, namely:—

Functions.

(i) to identify and locate herbal plants which are necessary for manufacture of medicine;

(ii) to protect herbal plants area;

(iii) to manufacture and process Indian system of medicine;

(iv) to distribute and set up outlets for selling Indian system of medicine;

(v) to extend financial and technical assistance to persons involved in research in Indian system of medicine;

(vi) to export medicines based on Indian system; and

(vii) to advocate the extensive use of Indian system of medicine.

Acquisition of area containing herbal plants.

13. The Corporation may request any State Government to vest in it any forest area or other area containing herbal plants at an agreed price.

Maintenance of accounts.

14. The Corporation shall maintain correct accounts of its income and expenditure in such form and in such manner as may be prescribed.

Audit.

15. (1) The accounts of the Corporation shall be audited by auditors who are qualified as auditors of companies under the law for the time being in force relating to companies, and the auditors shall be appointed by the Corporation with the previous approval of the Central Government and they shall receive such remunerations from the Corporation as the Central Government may prescribe.

(2) Every auditor while performing his duties shall have at all reasonable times access to the books, accounts and other documents of the Corporation and may for the purpose of the audit, call for such explanation and information as he may require or may examine any principal or other officer of the Corporation.

(3) The auditors shall submit their report together with an audited copy of the accounts of the Corporation and shall also forward a copy thereof to the Central Government.

Investigation by the actuaries.

16. The Corporation shall, at intervals of five years, cause an investigation to be made by the actuaries into the financial condition including the valuation of its assets and liabilities and submit the report of the actuaries to the Central Government.

Annual Report to the Central Government.

17. The Corporation shall, as soon as may be, after the end of each financial year prepare and submit to the Central Government in such form and in such manner, as may be prescribed, a report giving an account of its activities during the previous financial year, and an account of the activities, if any, which are likely to be undertaken by the Corporation in the current and the immediately following financial year.

Reports to be laid before both Houses of Parliament.

18. The Central Government shall cause the report of the auditors under section 15, the report of the actuaries under section 16 and the report giving an account of the activities of the Corporation under section 17 to be laid before both the Houses of Parliament, as soon as may be, after each such report is received by the Central Government.

Indemnifying of acts.

19. (1) The Chairman and every Director of the Board shall be indemnified by the Corporation against all losses and expenses incurred by him in, or in relation to, the discharge of his duties except such as are caused by his own wilful act or default.

(2) Any Director of the Board shall not be responsible for the acts of any other Director or of any other officer or other employee of the Corporation, or for any loss or expenses caused to the corporation from the insufficiency or deficiency of value of or title to any property or security acquired or taken on behalf of the Corporation or the insolvency or wrongful act of any debtor or any person under obligation to the Corporation or anything done in good faith in the execution of the duties of his office or in relation thereto.

Act done in good faith.

20. No suit or prosecution or other legal proceedings shall lie against the Chairman or any director of the Board or any employee of the Corporation for anything which is, in good faith, done or intended to be done in pursuance of this Act.

Power to make rules.

21. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely:—

(a) the term of office of and the manner of filling casual vacancies among, and the other terms and conditions of appointment of the directors of the Corporation;

(b) the composition of Advisory Committees and the terms and conditions of service of members thereof;

(c) the additional functions which the Corporation may perform;

(d) the remuneration of fees payable to the members of the Board of Directors and the term of office of, and the manner of filling casual vacancies among such members;

(e) the manner in which the Corporation may invest its funds;

(f) the form of the annual statement of accounts and the balance sheet to be prepared by the Corporation; and

(g) any other matter which has to be or may be prescribed.

(3) Every rule made by the Central Government under this section, and any modification thereto shall be laid as soon as may be, after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

22. The Corporation may, subject to the condition of previous publication and with the previous approval of the Central Government, by notification in the Gazette of India, make regulations not inconsistent with this Act and the rules made thereunder to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

Power to make regulations.

STATEMENT OF OBJECTS AND REASONS

In the ancient times, India has been the leader in the medicines. Several systems, mostly indigenous, were used to cure diseases. Many herbal plants were used for manufacture of medicines. Later allopathy system of medicine came into being. Allopathy system being mostly of chemicals has its own effect while temporarily curing diseases.

While Indian system of medicine provides permanent relief, allopathy system provides only temporary relief. Moreover, allopathy system has its own side effects which spoil the body system. Further the system is costlier also and poor people cannot afford to use this system.

India has immense resources of herbal plants. They have not been properly explored and exploited. It is a sad commentary that many American and European countries have obtained patent in respect of herbal plants available in our country only. These herbals can cure even serious diseases if properly processed.

India has signed several patent agreements by which our country will have to obtain patent rights to manufacture even ordinary medicines. Therefore, there is every possibility that prices of medicines will shoot up after some years.

India has to wake up from deep slumber. If corrective measures are not taken immediately, other countries will obtain patent rights in respect of our herbals and we may have to pay a huge price for obtaining manufacturing and processing rights.

Moreover, there is a huge potential for export of Indian system of medicines.

Therefore, it is proposed to establish a Corporation exclusively to promote and develop Indian system of medicines.

NEW DELHI;
July 28, 2000.

SUBODH MOHITE

FINANCIAL MEMORANDUM

Clause 3 provides for establishment of an Indian Medicine Development Corporation and its offices and branches.

Clause 4 of the Bill provides for an initial paid up capital of rupees ten thousand crore for the proposed Indian Medicine Development Corporation.

The Bill further provides for appointment of Chairman, Board of Directors, Managing Director, Secretary and other officers.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India.

It is likely to incur an expenditure to the tune of about rupees five hundred crore per annum.

A non-recurring expenditure of about rupees eleven thousand crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 21 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Clause 22 empowers the Corporation to frame regulations. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

G. C. MALHOTRA,
Secretary-General.